

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No. 3:12-cv-00214-
v.)	bbc/slc
)	
NORTHERN STAR HOSPITALITY)	
D/B/A SPARX RESTAURANT;)	EEOC'S APPLICATION FOR
NORTHERN STAR PROPERTIES)	WRIT OF CONTINUING
LLC; AND NORTH BROADWAY)	GARNISHMENT RE:
HOLDINGS, INC.,)	GARNISHEE DAIRY STATE
)	BANK
Defendants.)	
)	
and)	
)	
DAIRY STATE BANK,)	
)	
Garnishee)	
Defendant.)	
)	

Plaintiff Equal Employment Opportunity Commission (“EEOC”), an agency of the United States of America, makes application to the Clerk of the United States District Court, in accordance with 28 U.S.C. § 3205(b)(1), to issue a Writ of Garnishment upon the judgment entered against North Broadway Holdings, Inc., tax identification number XX-XXX7103 (“Holdings”), and Northern Star Properties, LLC, FEIN No. XX-XXX9797 (“Properties”), with a last known address of: Denny’s, 1827 Broadway St. N., Menomonie, WI 54751, in this action in the judgment amount of \$64,795.50,

plus costs, post-judgment interest, and a ten percent surcharge, less amounts received through garnishment of bank accounts at Peoples State Bank and Central Bank.

As described in more detail below, the total amount for which the EEOC seeks recovery is **\$78,902.96**.

1. The debt is for judgment entered after a jury trial under Title VII of the Civil Rights Act of 1964.

a. Judgment of \$64,795.50 was entered on February 25, 2014.

[DKT 223]

b. Costs in the District Court were taxed in favor of the EEOC in the amount of \$9,616.56 on March 13, 2014. [DKT 226]

c. Defendants appealed but did not move to stay judgment. [DKT 229]

d. The Seventh Circuit affirmed the judgment of this Court, and issued its mandate on March 23, 2015. [DKT 237]

e. The Court of Appeals taxed costs of \$354.75 in favor of the EEOC. [*Id.*, Ex. 2]

f. In addition, as of August 25, 2015, post-judgment interest of \$106.90, with interest accruing at the rate of 0.11% per annum, will have accrued since entry of the judgment on February 25, 2014.

g. To the total amount of \$74,873.71, the EEOC further requests that it be allowed to recover, as part of this garnishment, a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$7,487, pursuant to 28 U.S.C. § 3011(a).

2. The total of the amounts above is \$82,360.71.

3. On June 10, 2015, this Court granted a writ of continuing garnishment with respect to Peoples State Bank of Menomonie, WI [DKT 256], and on July 24, 2015, after providing an opportunity for Peoples State Bank and the parties to be heard, the Court entered an Order of Final Disposition of Garnishment. [DKT 261]

4. On July 31, 2015, Defendant North Broadway Holdings filed with the Court its “Second Supplemental Answers to EEOC’s Discovery,” wherein it stated that \$3,431.72 had been garnished from Peoples State Bank, and that no money was left in that account. [DKT 267 at p. 4-5].

5. Defendant also identified another bank account that apparently was opened at Central Bank in Rice Lake, WI. [DKT 267 at p. 5].

6. The EEOC sought to garnish the account at Central Bank. The Court issued its Order Granting Application for Writ of Continuing Garnishment on August 26, 2015. [DKT 282]. On September 11, 2015, Central Bank answered that it had \$26.03 in funds of the debtor. [DKT 289].

The Court has not yet issued an Order of Final Disposition of Garnishment as to this amount, but the EEOC deducts that amount as well.

7. With the amounts from both garnishment actions deducted, the debt that remains owing is **\$78,902.96**.

8. On August 24, 2015, Defendants notified the EEOC of a third bank account opened in the name of Defendant Properties at Dairy State Bank in Rice Lake, Wisconsin.

9. Over 30 days has elapsed since the EEOC demanded that the Defendant debtors satisfy the judgment and costs taxed by the District Court. The judgment debtors have not paid **\$78,902.96**.

10. The Garnishee, Dairy State Bank, and its successors or assigns, is believed to be in possession of property of Defendant Northern Star Properties, LLC. Specifically, Defendant Northern Star Properties identified Dairy State Bank as maintaining a checking account XX7155, for it.

11. The name and address of the Garnishee or their authorized agent is:

Dairy State Bank
16 South Main Street
Rice Lake, WI 54868

DATED: September 30, 2015

EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION

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